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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,386	08/21/2001	Bharath Vasudevan	016295.0673	8095

7590

09/10/2004

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EXAMINER

KINDRED, ALFORD W

ART UNIT PAPER NUMBER

2172

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,386

Applicant(s)

VASUDEVAN ET AL.

Examiner

Alford W. Kindred

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communication: Amendment A, filed on 05/24/2004.

This action is made final.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman Amuah, US# 6,438,594 B1, in view of Arakawa et al, US# 2003/0204597 A1.

As per claims 1-2, Bowman-Amuah teaches "a source subsystem" (see col. 49, lines 34-59 and col. 52, lines 56-59) "a target subsystem, wherein the source node and the target node are communicatively" (see col. 53, lines 15-26) "a repository subsystem" (see col. 56, lines 26-35). Bowman-Amuah does not explicitly teach "wherein the repository subsystem is external to each of the source subsystem and the target subsystem . . . data between the repository subsystem . . .". Arakawa et al. teaches "wherein the repository subsystem is external to each of the source subsystem and the target subsystem . . . data between the repository subsystem . . ." (see paragraphs [0123]-[0139]). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Bowman-Amuah and Arakawa, because using the steps of "wherein the repository subsystem is external to

each of the source subsystem and the target subsystem . . . data between the repository subsystem . . .”, would have given those skilled in the art the tools to externally coordinate the communications between repository and source subsystem. This decreases the processing of data between the source and target subsystems.

As per claim 3, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 including the following:

--Bowman-Amuah teaches “issue a write statement . . . write statement may be replicated by the target subsystem . . .” (see col. 54, lines 3-40).

As per claims 4 and 8, Bowman-Amuah teaches “the repository subsystem is operable to queue the write statement issued by the source subsystem . . .” (see col. 54, lines 3-45 and col. 73, lines 15-35).

As per claims 5-6, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-3 and are similarly rejected including the following:

--Bowman-Amuah teaches “storage device operable to store data and meta-data and changes thereto in response to the write statement” (see col. 5, lines 14-20 and col. 6, lines 63-67).

As per claims 7 and 21-22, Bowman-Amuah teaches “the data transfer mode is an asynchronous mode” (see col. 53, lines 50-58).

As per claim 9, Bowman-Amuah teaches “wherein the source node is operable to send the write statement to the repository . . . write statement from the repository subsystem” (see col. 54, lines 3-40).

As per claim 10, this claim is rejected on ground corresponding to the arguments given above for rejected claim 9 and is similarly rejected including the following:

--Bowman-Amuah teaches "wherein the target subsystem is able to receive the write statement from the repository subsystem when the target subsystem is able to replicate the write statement" (see col. 53, lines 33-48).

As per claims 11-12, Bowman Amuah teaches "send the write statement to the repository subsystem if the source node receives a choke signal from the target subsystem" (see col. 205, lines 47-55).

As per claims 13-16 and 18, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 11-12 and are similarly rejected including the following:

-- Bowman-Amuah teaches "a target queue associated with a choke threshold and wherein target subsystem . . . not above the choke threshold" (see col. 205, lines 40-55).

As per claim 17, Bowman-Amuah teaches "a source queue" (see col. 73, lines 14-34)

As per claim 19, Bowman-Amuah teaches "a plurality of repository subsystems" (see col. 57, lines 23-47).

As per claim 20, Bowman-Amuah teaches "wherein each repository queues mirror each other" (col. 73, lines 15-40).

As per claims 23-25, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-4 and are similarly rejected.

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As per claims 26-28, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-5 and 20 are similarly rejected including the following:

As per claims 29 and 31, Bowman-Amuah teaches "the target is unable to handle the write statement if the target node cannot handle the write statement" (see col. 54, lines 3-46).

As per claim 30, Bowman-Amuah teaches "a target queue associated with a choke threshold and operable to queue to the write statement . . ." (see col. 205, lines 47-55).

#### ***Response to Arguments***

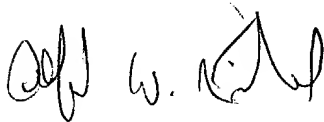
4. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred  
Patent Examiner  
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